

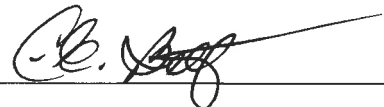
**BEFORE THE
PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. ND-2016-61-W/S**

Re: Carolina Water Services, Incorporated's Notification of Violations of S.C. Code
Regulation 103-714C

CERTIFICATE OF SERVICE

I, Carl E. Bell, hereby certify that I have, on this 3rd day of August 2017, served Letter with Enclosures to the Public Service Commission by Electronic mail and upon the individual(s) listed below:

Jeffrey M. Nelson, Counsel
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, SC 29201
Email: jnelson@regstaff.sc.gov



Carl E. Bell, Paralegal
Terreni Law Firm

Columbia, South Carolina
August 3, 2017

TERRENI

LAW FIRM, LLC

Charles L.A. Terreni
Attorney at Law

August 3, 2017

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VIA ELECTRONIC FILING

The Honorable Jocelyn Boyd, Esquire
Chief Clerk and Administrator
South Carolina Public Service Commission
10 Executive Center Drive
Columbia, South Carolina 2910

Re: ND 2016-61-WS. Carolina Water Service, Incorporated's Notification of Violations of
S.C. Code Regulation 103-714C

Dear Ms. Boyd:

I have attached the following for filing in the above referenced matter:

DHEC Consent Order No. 17-060-W – Friarsgate Subdivision WWTF

The terms of the referenced Order details the steps to be taken to correct the violation. If you have any questions, or if I may provide you with an additional information, please do not hesitate to contact me.

Sincerely,



Charles L.A. Terreni

Enclosures
CLAT/ceb

cc: Jeffrey M. Nelson, Esquire (vial email)
Scott Elliott, Esquire (vial email)
Mr. Richard J. Durham (vial email)
Mr. Michael Cartin



August 1, 2017

Certified Mail – 9214 8969 0099 9790 1409 1155 69 and electronic mail

Mr. Bob Gilroy, Vice President
Carolina Water Service, Inc.
150 Foster Brothers Drive
West Columbia, SC 29172

Re: Consent Order 17-060-W
Carolina Water Service, Inc.
Friarsgate Subdivision WWTF
NPDES Permit SC0036137
Lexington County

Dear Mr. Gilroy:

Enclosed, please find a copy of the fully executed Consent Order 17-060-W affecting the above referenced facility. **The Order is considered executed on July 31, 2017.**

Please be aware of the scheduled completion dates outlined on pages five (5) through nine (9) of the Order. Please call me at 803-898-4181 if you have questions or need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul F. Wise', is written above the typed name.

Paul F. Wise
Water Pollution Enforcement Section
Bureau of Water

W/Enclosure

cc: Adam Cannon - WP Enforcement/Compliance Section
Jeff deBessonnet, Water Facilities Permitting
Sonya Johnson - Region 3, Columbia EQC

Encl.

**THE STATE OF SOUTH CAROLINA
BEFORE THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL**

**IN RE: CAROLINA WATER SERVICE, INC.
FRIARSGATE SUBDIVISION
LEXINGTON COUNTY**

CONSENT ORDER

17 - 060 - W

Carolina Water Service, Inc. (CWS) owns and is responsible for the proper operation and maintenance of the wastewater treatment facility (WWTF), located off of Irmo Drive, and the associated wastewater collection system (WWCS), serving the residences of Friarsgate Subdivision, in Lexington County, South Carolina.

CWS discharged untreated wastewater, as result of sanitary sewer overflows (SSOs) from the WWCS into the environment in a manner other than in compliance with a permit issued by the South Carolina Department of Health and Environmental Control (Department). CWS failed to properly operate and maintain the WWCS in accordance with its National Pollutant Discharge Elimination Permit System (NPDES) Permit. CWS verbally reported sewer system overflows (SSOs) to the Department, but failed to submit written reports for the SSOs to the Department in a timely manner.

Based upon discussions with agents for CWS on May 15, 2017, and in the interest of resolving this matter without the delay and expense of litigation, CWS agrees to the entry of this Consent Order, but neither agrees with nor admits to any statements, conclusions, claims or the Findings of Fact or the Conclusions of Law in this Order, but agrees to the requirements stated in this Order.

FINDINGS OF FACT

1. CWS owns and is responsible for the proper operation and maintenance of the WWTF located in Lexington County, South Carolina.
2. The Department issued NPDES Permit SC0036137 (NPDES Permit) to CWS, authorizing the discharge of properly treated wastewater to the Saluda River, in accordance with the effluent limitations, monitoring requirements, and other conditions set forth therein.
3. CWS reported the following SSOs to the Department during 2015 and 2016. The dates, locations, volumes of wastewater released and cause of the SSO are described below. It is also noted that historic rains and flooding in early October 2015 caused issues for numerous facilities in the Midlands and throughout the State.
 - a) Between December 22-24, 2015, heavy rains impacted some storm drains and manholes. CWS states that precipitation during this period totaled approximately five (5) inches, according to the WWTF rain gauge.
 - December 22, 2015: Backyard of 101 and 97
Chadford Road 7,400 gallons - heavy rain
 - December 22, 2015: Plant Control Chamber 131
Greenbriar Drive 4,500 gallons - heavy rain
 - December 23, 2015: Manhole Backyard of 101 and 97
Chadford Road 400 gallons - heavy rain
 - December 24, 2015: Manhole Backyard of 101 & 97
Chadford Road 2,000 gallons - heavy rain
 - b) February 24, 2016: Manhole 313
Brickling Road 2,000 gallons –blocked sewer line

4. On March 14, 2017, Department staff visited the WWTF at approximately 11:45 a.m. for the purpose of collecting effluent samples. During the visit, observations were recorded on an Operations and Maintenance (O&M) inspection report. The Department inspector noted on the inspection report a statement by the plant operator, that upon entry the morning of March 14, 2017, he found the WWTF to be overwhelmed by rainfall that occurred the previous day. The Department inspector also noted on the inspection report that the rain gauge at the WWTF measured seventh tenths (0.7) of an inch.
5. On April 5, 2017, CWS reported SSOs occurring at the Friarsgate Wastewater Treatment Facility.
6. On April 6, 2017, Department staff conducted an inspection of the WWTF. CWS representatives were present during the inspection. The Department inspector observed that the influent pump station was inundated with water, the alarm float was pulled due to excessive incoming flow, the EQ basin was overtopping in three (3) areas, and noted that the WWTF's discharge rate could not be determined due to an overflowing Parshall flume. The Department inspector specified on the inspection form that the area had received a total of approximately 4.5 inches of rain during the three (3) consecutive days before the inspection date, and that lime had been applied to the areas impacted by overtopping. The Department inspector noted the overall rating of the inspection as "Unsatisfactory", and took photographs during the inspection.
7. On April 15, 2017, the Department received the written SSO Reports (DHEC Form 3685) for the SSOs that occurred and were orally reported on April 5 and 6, 2017. The cause of the SSOs was reported as heavy flow from rainstorms.
8. On May 15, 2017, Department Staff conducted an enforcement conference to discuss the above findings with Mr. Bob Gilroy, CWS Vice President of Operations, Jeremy

Brashears, WK Dickson Consulting, and Carl Roberts, Haynsworth Sinkler Boyd, present representing CWS. Mr. Gilroy discussed the current plans by CWS to address the Infiltration/Inflow in the Friarsgate Subdivision WWCS. The issuance of a Consent Order, possibly containing civil penalties, was discussed.

9. On May 22, 2017, Department Staff visited the WWTF in response to an odor complaint. During the visit, the Department inspector observed that the influent at the WWTF was temporarily being diverted to the equalization basin. The Department inspector also reported that the rainfall measured at the WWTF from a rainfall event the previous day was one and three quarters (1.75) inches.

CONCLUSIONS OF LAW

Based upon the above Findings of Fact, the Department reaches the following

Conclusions of Law:

1. CWS violated the Pollution Control Act, S.C. Code Ann. § 48-1-90(A)(1) (Supp. 2016), in that it discharged untreated or partially treated wastewater into the environment in a manner other than in compliance with a permit issued by the Department.
2. CWS violated the Pollution Control Act, S.C. Code Ann. § 48-1-110 (d) (Supp. 2016), and the NPDES Permit, in that it failed to report Sewer System Overflows to the Department as required by the Permit.
3. The Pollution Control Act, S.C. Code Ann. § 48-1-330 (2008), provides for a civil penalty not to exceed ten thousand dollars (\$10,000.00) per day of violation for any person violating the Act or any rule, regulation, permit, permit condition, final determination, or Order of the Department.

NOW, THEREFORE, IT IS ORDERED, CONSENTED TO AND AGREED, pursuant to the Pollution Control Act, S.C. Code Ann. § 48-1-50 (Supp. 2016) and § 48-1-100 (Supp. 2016), that CWS shall:

1. Beginning on the effective date of this Order and continuing until the Order is closed, report to the Department wastewater spills from the WWCS as required by law, verbally within twenty-four (24) hours and in writing on the DHEC SSO Report Form, DHEC 3685 (02/2000), within five (5) days.
2. Beginning with the effective date of this Order, submit to the Department copies of public notices issued by CWS for all significant spills, as defined by S.C. Code Ann. § 48-1-95(A)(5) (Supp. 2016), from the WWCS.
3. CWS shall develop and implement the Sewer Overflow Response Program and the WWCS Training Program as set forth below, and ensure that each program has a written, defined purpose; a written, defined goal; is documented in writing with specific detail as required herein; is implemented by trained personnel; has established performance measures; and, has written procedures for periodic review.

a. Sewer Overflow Response Program. Within ninety (90) days of the effective date of this Order, CWS shall submit a Sewer Overflow Response Plan (SORP) to the Department for review, comment, and approval. Upon Department approval, CWS shall implement the SORP. The SORP shall be a reference for CWS personnel and serve as a guide for responding to, cleaning up, and/or minimizing the impact of SSOs; timely reporting of the pertinent information of SSOs to the appropriate regulatory agencies; and notifications to the potentially impacted public.

(i) The SORP shall provide CWS personnel a series of standard operating procedures with step-wise instructions for how to:

A. Report to SCDHEC the location of SSOs by street address or any other appropriate method (i.e., latitude-longitude) within twenty four (24) hours from the time Defendant becomes aware of the circumstances, in accordance with current laws, regulations and policies, and consistent with CWS's NPDES Permit;

B. Provide written reporting to SCDHEC in accordance with current laws, regulations and policies, and consistent with CWS's NPDES Permit;

C. Maintain records including all written reports to SCDHEC; maintain records documenting steps that have been and will be taken to prevent the SSO from recurring, including work order records associated with investigation and repair activities; and maintain a list of complaints from customers or others with the reported details regarding individual SSOs and their responses that can be used for trend analysis;

D. In accordance with current laws, regulations and policies, and consistent with CWS's NPDES Permit, provide notice to the public of significant SSOs through the local news media or other means, including, as appropriate, signs or barricades to restrict access;

E. Estimate the volume of untreated wastewater released by a SSO, and to minimize the volume released;

F. Take emergency procedures for specific pump stations, install bypass/ pump-around strategies, and other means to prevent the exceedance of a pump station's storage capacity (i.e., maximum volume of sewage that can be stored in the event of a pump station failure or repair without causing a SSO and the time during

which sewage can be stored before a SSO will occur);

G. Determine (i) when additional storage or a pump-around strategy will be needed in the event that a repair may cause or lengthen the time of a SSO; and, (ii) The SORP shall specify the procedures and frequencies necessary to provide adequate training for CWS's employees, and contractors required to effectively implement the SORP and its standard operating procedures.

b. WWCS Training Program. Within nine (9) months of the effective date of this Consent Order, CWS shall submit to DHEC for review, comment, and approval a WWCS Training Program (Program). CWS shall develop the Program by evaluating the personnel, tasks, equipment, and facilities associated with the operation and maintenance of CWS's WWCS. The Program shall include, and CWS shall implement, upon Department approval:

(i) General Training. CWS shall provide general training to address tasks undertaken by CWS's WWCS personnel. General training would include, for example, employee orientations, training in the basic principles of wastewater collection and transmission, and training in the rules and regulations affecting CWS's WWCS personnel. The general training component of the Program shall provide the content of the initial training, and the frequency and content of the refresher training, to be required for all personnel responsible for management, operations, or maintenance of CWS's WWCS.

(ii). Position Specific Training. CWS shall provide training for tasks undertaken by CWS's WWCS personnel to address the methods, processes, procedures, and techniques required to perform the duties and tasks necessary for the proper operation and maintenance of the collection and transmission

system. Collection system training would include, as appropriate, training in equipment operation, pipe installation and replacement, pipe cleaning, pipe inspection, and reading as-built drawings. Transmission system training would include, as appropriate, training in equipment operation, pump/ejector inspection, pump/ejector maintenance, and pump/ejector repair. CWS's collection system training and transmission system training program shall include:

(A) identification of the related tasks, equipment, and facilities;

(B) description of the technical knowledge necessary to properly conduct the individual tasks and properly operate the individual equipment and facilities;

(C) description of the underlying purposes and technical reasons for conducting the individual tasks or operating the individual equipment and facilities;

(D) standard procedures which personnel shall follow when conducting the individual tasks or operating the individual equipment and facilities;

(E) the content of the initial training, and the frequency and content of the refresher training, to be required for personnel conducting the individual tasks, or operating the individual equipment and facilities; and

(F) training designed to provide trainees with a thorough understanding of the individual procedures, underlying technical reasons, and underlying purposes associated with the individual tasks they may conduct, or the specific equipment and facilities they may operate, and to

provide this in a consistent manner to all trainees.

(iii) Tracking. The Training Program shall include a description of the common data management system to be used for tracking personnel participation in, and completion of, the initial general training, collection system training, and/or transmission system training, and the corresponding refresher training.

(iv) Implementation Schedule. The Training Program shall include an implementation schedule specifying dates and actions related to training activities.

4. Immediately, upon the effective date of this Order, begin conducting a capacity, management, operations and maintenance (cMOM) audit (Audit) of the Friarsgate Subdivision WWCS to include, but not be limited to:
 - a) financial plans detailing current and planned capital improvement projects in the WWCS and how operation and maintenance of the WWCS will be funded;
 - b) personnel charts, including job assignments;
 - c) lift station inspection and maintenance schedules;
 - d) a sewer inspection and cleaning program;
 - e) Inflow/Infiltration evaluations;
 - f) manhole inspections;
 - g) detailed logs/records of daily operations;
 - h) easement/right-of-way maintenance programs;
 - i) easement/right-of-way maintenance;
 - j) a spare parts inventory; and,

k) any other components necessary for proper operation and maintenance of the WWCS.

The Audit shall include a comprehensive review of the WWCS. The review must include a complete technical assessment of the components and operation of the WWCS that are contributing to, or may be contributing to spills of untreated or partially treated domestic sewage. The review must be performed by a licensed South Carolina registered professional engineer.

5. Within ninety (90) days of beginning the Audit review, submit to the Department a report of the Audit findings, a corrective action plan (CAP) and a schedule of implementation to address priority deficiencies identified in the WWCS (pump stations, manholes, line breaks/deterioration, etc.) during the Audit. The CAP shall include a map of the WWCS, indicating the location of corrective actions that have been implemented and corrective actions that are planned based on the Audit, along with details as to how each corrective action item remedies deficiencies within the WWCS. The schedule of implementation shall include specific dates or timeframes for the completion of each action and/or maintenance activity. The CAP's schedule, upon approval by the Department, shall be incorporated into and become an enforceable part of this Order.
6. Within two hundred forty (240) days of the effective date of this Order and based on the findings of the WWCS Audit, finalize a comprehensive management plan (cMOM Plan), covering operations, maintenance and management of the collection system. Submit the cMOM Plan to the Department.
7. Within ninety days (90) days of the effective date of this Order and every ninety (90) days thereafter until this Order is closed, submit to the Department a summary of corrective actions addressing deficiencies in the WWCS. The summary report(s) shall include a map of the WWCS, indicating the location of corrective actions.

8. Within thirty (30) days of the execution date of the Order, pay to the Department a civil penalty in the amount of twelve thousand dollars (\$12,000.00).

PURSUANT TO THIS ORDER, communications regarding this Order and its requirements, including civil penalty payments, shall be addressed as follows:

Paul F. Wise
Water Pollution Control Division
South Carolina DHEC
2600 Bull Street
Columbia, S.C. 29201

The order number should be included on all checks remitted as payment of the civil penalty.

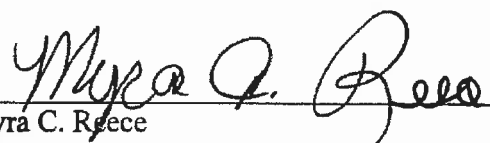
IT IS FURTHER ORDERED AND AGREED that failure to comply with any provision of this Order shall be grounds for further enforcement action pursuant to the Pollution Control Act, S.C. Code Ann. § 48-1-330 (2008), to include the assessment of additional civil penalties.

IT IS FURTHER ORDERED AND AGREED that this Consent Order governs only the civil liability to the Department for civil sanctions arising from the matters set forth herein and constitutes the entire agreement between the Department and Carolina Water Service, Inc. with respect to the resolution and settlement of these civil matters. The parties are not relying upon any representations, promises, understandings or agreements except as expressly set forth within this Order.


THE PARTIES UNDERSTAND that the "execution date" of this Order is the date the Order is signed by the Director of Environmental Affairs.

[Signature Page Follows]

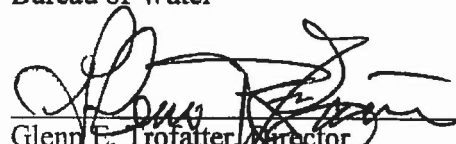
FOR THE SOUTH CAROLINA DEPARTMENT
OF HEALTH AND ENVIRONMENTAL CONTROL


Myra C. Reece
Director of Environmental Affairs

Date: 7/31/2017



Mark E. Hollis, Interim Chief
Bureau of Water

Date: July 31, 2017


Glenn E. Profatter, Director
Water Pollution Control Division
Bureau of Water


Date: July 31 2017

Reviewed By:


Attorney
Office of General Counsel

WE CONSENT:

CAROLINA WATER SERVICE, INC.


Bob Gilroy
Vice President of Operations

Date: 7/28/2017